
(2002) 04 JH CK 0079
In the Jharkhand High Court
Case No : L.P.A. No. 13 of 1995 (R)

Kanon Kumar Chatterjee

APPELLANT

Vs

Steel Authority of India and Others

RESPONDENT

Date of Decision : 16-04-2002

Acts Referred:

Citation : (2002) 04 JH CK 0079

Hon'ble Judges : M.Y. Eqbal, J; Hari Shankar Prasad, J

Bench : Division Bench

Advocate : B. Chatterjee, for the Appellant; R.K. Merathia and Rajiv Ranjan, for the Respondent

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—This appeal under Clause 10 of the Letters Patent is directed against the Judgment dated 16.12.1994 passed in CWJC No. 2679/93 (R), whereby learned Single Judge dismissed the writ application filed by the petitioner/appellant wherein claim of the petitioner for monetary benefits on account of delayed promotion has been disallowed.

2. Petitioner's case was that he joined Bokaro Steel Plant in 1968 as Construction Supervisor Grade-III and was eventually promoted as Construction Supervisor Grade-I, by Office Order dated 25.5-1972. It was alleged that respondent Nos. 4 and 5 are much junior to him and they were promoted as Construction Supervisor Grade-I, in 1975. In the Gradation List of Construction Supervisor Grade-I, name of the appellant appeared at serial No. 3 whereas, the names of the respondent Nos. 4 and 5 appeared in serial Nos. 7 and 9 respectively.

3. It appears that from the post of Construction Supervisor Grade-I. the next promotion was to the Executive Cadre. It is contended that in 1980 the meeting of Departmental Promotion Committee was held and only respondent No. 4 was called for interview, although petitioner was eligible and was entitled to be

considered for promotion. The appellant said to have been submitted several representations stating that his juniors had been called by the Departmental Promotion Committee on two occasions, i.e. on 4.10.1980 and 10.9.1981 but the petitioner was ignored. Respondents thereafter strongly recommended the case of the appellant and ultimately in 1987 by office order dated 9.5.1987, the appellant was granted promotion to the Executive Cadre. The appellant thereafter filed representation claiming seniority over respondent Nos. 4 and 5 and ultimately by office order dated 8.4.1991, petitioner was granted notional seniority in the Executive Cadre. Petitioner was also given next promotion to the Executive Cadre Grade-II but he was deprived of from the monetary benefits.

4. Learned Single Judge recorded a finding that petitioner was matriculate and he passed pre-selection training on 3.7.1980 which was essential for promotion to the Executive post. On recommendation of Departmental Promotion Committee, the petitioner was promoted to the post of Assistant Divisional Engineer Mechanical in E-1 grade with effect from 9.5.1987. Petitioner accepted the promotion unconditionally and joined the post on 9.5.1987. Learned Single Judge further found that respondent Nos. 4 and 5 possess diploma in Mechanical Engineering and so they were not required to pass selection training for promotion to the Executive Post, as such junior employees working in L-8 grade possessing B.Sc. or Diploma in Engineering qualification were considered by the Departmental Promotion Committee for promotion to the Executive Post over seniors who were Matriculate and had not passed pre-selection training examination. Learned Single Judge also took notice of the admitted fact that the concerned respondents had gone to USSR for further training and their promotion was kept in abeyance. On return, one of them was promoted on 4.10.1980 with notional seniority from 29.8.1978. Petitioner was also given promotion and his seniority was also restored. Learned Single Judge held that since respondents were also given notional promotion without monetary benefits, the plea of discrimination taken by the petitioner is unjustified.

5. Admittedly, in 1980, petitioner was matriculate, whereas respondent Nos. 4 and 5 were possessing qualification of diploma in mechanical engineering and they were not required to pass pre-selection training for promotion to the executive posts as per promoted rules existing at that time. Petitioner was not entitled to be considered for promotion in 1980. Subsequently, by office order dated 8.4.1991 petitioner was promoted to the post of Executive Cadre and there was a clear stipulation that the petitioner would be entitled to draw monetary benefits from the date he assumes charge of the higher post. Petitioner accepted such notional promotion and submitted unconditional assumption of charge report on 8.4.1991 in E-2 grade. After getting notional seniority in E-2 grade with effect from 4.10.1985, petitioner again got promotion to E-3 grade with effect from 30.6.1991 vide promotion order dated 11.4.1992 and monetary benefits were given from the date of assumption of charge in higher grade which was also accepted by the petitioner unconditionally. It is also admitted fact that the respondents who were given notional promotion with effect from 1980 but

without any monetary benefits. In our view therefore, learned Single Judge rightly held that no case of discrimination is made out by the petitioner/appellant nor petitioner-appellant is entitled to get monetary benefits. We do not find any error of law in the impugned Judgment passed by the learned Single Judge. This appeal is accordingly dismissed.